

DOWD, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

United States of America,

Plaintiff,

v.

Sebastian Timothy Randolph,

Defendant.

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) CASE NO. 1:07 CR 338  
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) ORDER  
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The defendant's sentencing is scheduled for Thursday, July 24, 2008. A dispute has arisen as to whether the defendant's prior Mississippi and Michigan convictions are related cases in the context of the issue as to whether the defendant is a career offender.

The Court reads the decision in United States v. Irons, 196 F3d. 634 (6<sup>th</sup> Cir. 1999) to place the burden on the defendant of establishing that the Mississippi crime and the Michigan crimes were jointly planned, or that the commission of one entailed the other. *See Irons* at 639.

As a consequence, the Court alerts defendant's counsel of the above-described burden. In the interim, the Court will delay a determination as to whether the Mississippi conviction and the Michigan conviction constitute related crimes so as to defeat the government's claim that the defendant is a career offender.

IT IS SO ORDERED.

July 22, 2008  
Date

/s/ David D. Dowd, Jr.  
David D. Dowd, Jr.  
U.S. District Judge